

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES KNIGHT on behalf of himself
and others similarly situated,

Plaintiff,

ANSWER TO CLASS ACTION
COMPLAINT

-against-

NATIONAL DEBT COLLECTORS, INC.,

Defendant.

Docket No. 07 CIV. 5989

Defendant, appearing pro se, by its President, Anthony M. Wilger, as and for its
Answer to Class Action Complaint alleges as follows:

1. Admits allegations contained in paragraph "0.1" of Complaint to the extent this action alleges violations by defendant of Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. ("FDCPA"). In all other respects, the allegations are denied.
2. Admits allegations contained in paragraph "0.2" of Complaint to the extent of alleging that plaintiff James Knight is a "natural person", but denies information sufficient to formulate a belief as to the current residence address of plaintiff James Knight.
3. Admits allegations contained in paragraphs "0.3" and "0.4" of Complaint.
4. Admits allegations contained in paragraph "0.5" of Complaint to the extent that this action alleges violations by defendant of Fair Debt Collection Practices Act, 15 U.S.C. Section 1692k ("FDCPA"), a federal statute. In all other respects, the allegations are denied.

5. As to the First Cause of Action alleged in the Complaint, the defendant repeats, reiterates, and incorporates its responses to paragraphs "0.1" through "0.5" as if more fully set forth herein.

6. Admits allegations contained in paragraph "1.2" of Complaint to the extent that plaintiff is justly indebted to Tribeca Gym. In all other respects, the allegations are denied.

7. Admits allegations contained in paragraph "1.3" of Complaint to the extent that "aforementioned debt" was referred to defendant for collection. In all other respects, the allegations are denied.

8. Admits allegations contained in paragraph "1.4" of Complaint.

9. Admits allegations contained in paragraph "1.5" of Complaint.

10. Admits allegations contained in paragraph "1.6" of Complaint.

11. Denies the allegations contained in paragraph "1.7" of Complaint.

12. Denies the allegations contained in paragraph "1.8" of Complaint.

13. Denies the allegations contained in paragraph "1.9" of Complaint.

14. Denies the allegations contained in paragraph "1.10" of Complaint.

15. Denies the allegations contained in paragraph "1.11 (A-E)" of Complaint.

16. Denies the allegations contained in paragraph "1.12" of Complaint.

17. Denies the allegations contained in paragraph "1.13" of Complaint to the extent that it is alleged that facts appropriate for certification of class pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure exist in this case.

18. Denies the allegations contained in paragraph "1.14" of Complaint.

19. Denies the allegations contained in paragraph "1.15 (a-b)" of Complaint.

20. Denies the allegations contained in paragraph "1.16" of Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE:

21. Defendant repeats, realleges, reiterates, and incorporates the allegations set forth in paragraphs "1" through "20" as if more fully set forth herein.

22. The Complaint fails to establish legal or factual basis for the certification of a class pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure.

23. By reason of the foregoing, the Complaint should be dismissed.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE:

24. The defendant repeats, realleges, reiterates, and incorporates the allegations set forth in paragraphs "1" through "23" as if more fully set forth herein.

25. The language contained in collection letter, as alleged in paragraph "1.6" of the Complaint does not violate the rights of the plaintiff pursuant to 15 U.S.C. Sections 1692e(10) and 1692g.

26. Pursuant to 15 U.S.C. Section 1692g, the collection letter contains a. the amount of the debt, b. the name of creditor to whom debt is owed, c. a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector, and d. a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer, and that a copy of such verification or judgment will be mailed to the consumer by the debt collector, and e. if requested within thirty day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current

creditor.

27. As set forth in paragraph "24" herein, the collection letter did not use any false representation or deceptive means to collect any debt or to obtain information concerning the consumer, as set forth in 15 U.S.C. Section 1692e(10).

28. By reason of the foregoing, the Complaint should be dismissed.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE:

29. Defendant repeats, realleges, reiterates, and incorporates the allegations set forth in paragraphs "1" through "28" as if more fully set forth herein.

30. Plaintiff fails to state a cause of action for relief, either individually or on behalf of alleged, purported class.

31. By reason of the foregoing, the Complaint should be dismissed.

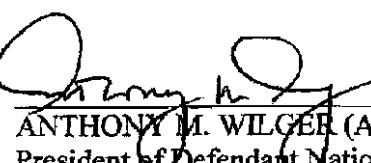
WHEREFORE, defendant respectfully requests that judgment be entered against the plaintiff :

(a) Dismissing the Complaint in its entirety;

(b) Granting costs, disbursements, and attorney's fees in favor of

defendant.

[c] Granting such other and further relief as may be just and proper.



ANTHONY M. WILGER (AW-0648)
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ANSWER TO CLASS
ACTION COMPLAINT

Signature (Rule 130-1.1-a)



BY: ANTHONY M. WILGER

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